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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/534,703	03/24/2000	Kester Lijen Fong	10991522	2510

7590 09/02/2004

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EXAMINER

CHAVIS, JOHN Q

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

09/534,703

Applicant(s)

FONG ET AL.

Examiner

John Chavis

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-7,10-12,15-17,20-23 and 25-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-7,10-12,15-17,20-23 and 25-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-2, 5-7, 10-12, 15-17, 20-23 and 25-41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Each of the independent claims specify "the component" in the third line of the newly modified portion (for example, see claim 1); while, no single component had been previously specified. Every other reference to the term specified "components" and therefore it is not clear which is "the component". Furthermore, two claims are listed as claim 40 and the claims are exact duplicates of each other. Therefore, one of the claims should be cancelled.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 5-7, 10-12, 15-17, 20-21 and 29-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Boukobza (6,122,664).

Claims:

Claim 1: A Method of managing software components, said method comprising:

deploying one or more software components on a plurality of computer platforms wherein said components interoperate with each other to execute a business application;

monitoring said components with an Administrator,

said Administrator functioning independently of said components,

Said Administrator comprising a Central Administrator and a plurality of Distributed Administrators where each computer platform has one of the Distributed Administrators;

determining a need to reconfigure one or more said components based upon a health status message from an agent in a computer platform to a Distributed Administrator in the computer platform,

Boukobza

See the title and the abstract.

See the autonomous agent installed in each node, via the abstract. In reference to executing a business application, see col. 3 lines 12-16, which indicates that the objects are part of a "production environment".

See again the abstract, which indicates that monitoring is configured (i.e. in The Administrator) and then distributed (deployed) from the management node (Administrator) to autonomous agents, installed on nodes to be monitored (i.e. a plurality of computer platforms).

See Boukobza's fig. 1.

See fig. 1 in which the management node is central; while, the managed nodes or autonomous agents are distributed.

See col. 2 lines 39-65.

based upon a process schedule check of the computer platform by the Distributed Administrator, or based upon a health status message from each Distributed Administrator to the Central Administrator;

Wherein the distributed administrator is a process manager for a process of The agent;

Wherein the component is managed by A container and runs in the context of The agent;

Wherein the container receives and Processes life-cycle messages and Other administrative messages from the Central administrator to the component And provides a thread of execution to The component; and wherein the agent Can read and respond to the messages; and

modifying or replacing one or more Said components using said Administrator in response to said determining;

wherein, said monitoring, said determining, and said modifying are performed without reference to said computer platforms and wherein said modifying or replacing reconfigures said business application without terminating said business application.

See col. 3 lines 2-6.

this is considered merely non functional descriptive material that does not further modify the method Of managing software components. Furthermore, the terms manager and agent inherently specifies this type of relationship. However, see col. 2 lines 30-46.

The feature is also considered merely descriptive material. Furthermore, again it is not clear which component is "the Component". However, see col. 3 lines 6-21.

See the references above and the get and set messages in col. 15 line 55-col. 16 line 58. A thread is a process that is part of a larger process. Therefore, Boukobza's calls are considered to provide for the claimed features.

See col. 3 lines 30-39.

Boukobza's system functions independently of operating platforms (col. 3 lines 51-59) and provides for dynamic modification of components (i.e. without terminating), see col. 3 line 60-col. 4 line 4.

Claim 2: The method of Claim 1, wherein two or more of said plurality of computer platforms are geographically separated from each other.

See figure 1.

Claim 5: The method of Claim 1, wherein said monitoring comprises receiving health status messages each containing only changes in health status since receipt of a last health status message.

Boukobza indicates parameter curves selected by the Administrator for their importance are provided (i.e. only changes can be selected). Also, note that change of state data is provided back to the Administrator, col. 3 lines 30-39.

In reference to claims (6-7, and 10), (11-12, and 15), (16-17 and 20), (29-30 and 31), see the rejections of claims 1-2 and 5 above.

As per claims 21 and 32, see col. 5 lines 19-23 and lines 47-62.

The features of claims 40-41 are taught via claim 5 above.

5. Claims 1-2, 5-7, 10-12, 15-17, 20-23 and 25-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Jarriel et al. (6,553,403).

Claims:

Claim 1: A Method of managing software components, said method comprising:

deploying one or more software components on a plurality of computer platforms wherein said components interoperate with each other to execute a business application;

Jarriel

See the abstract.

See the dispatching function of fig. 4 and note the manager 14 and the managed nodes 16, which interoperate with each other to execute a business application, col. 1 lines 9-50, see specifically lines 14-15 and col. 2 lines

29-41.

monitoring said components with an Administrator,

See the remote site management (i.e. in The Administrator) in col. 4 lines 7-24.

said Administrator functioning independently of said components,

See again fig. 4 and col. 6 lines 38-50.

Said Administrator comprising a Central Administrator and a plurality of Distributed Administrators where each computer platform has one of the Distributed Administrators;

See fig. 4 and col. 4 lines 7-24.

determining a need to reconfigure one or more said components based upon a health status message from an agent in a computer platform to a Distributed Administrator in the computer platform,

See col. 2 lines 50-col. 3 lines 15.

based upon a process schedule check of the computer platform by the Distributed Administrator, or based upon a health status message from each Distributed Administrator to the Central Administrator;

“ “ “ “

Wherein the distributed administrator
Is a process manager for a process of
The agent;

this is considered merely non functional descriptive material that that does not further modify the method Of managing software components. Furthermore, the terms manager and agent inherently specifies this type of relationship. However, see col. 2 lines 29-41.

Wherein the component is managed by
A container and runs in the context of
The agent;

The feature is also considered merely descriptive material. Furthermore, again it is not clear which component is “the

Wherein the container receives and
Processes life-cycle messages and
Other administrative messages from the
Central administrator to the component
And provides a thread of execution to
The component; and wherein the agent
Can read and respond to the messages;
And

modifying or replacing one or more Said
components using said Administrator in
response to said determining;

wherein, said monitoring, said
determining, and said modifying are
performed without reference to said
computer platforms and wherein said
modifying or replacing reconfigures
said business application without
terminating said business application.

Claim 2: The method of Claim 1,
wherein two or more of said plurality
of computer platforms are
geographically separated from each
other.

Claim 5: The method of Claim 1,
wherein said monitoring comprises
receiving health status messages each
containing only changes in health
status since receipt of a last health
status message.

Component". However, see col. 11 lines
18-35, in which the Java Bean acts as
A container.

See the references above and the get
method in col. 7 lines 53-65.

A thread is a process
that is part of a larger process.

Therefore, Jariel's calls status monitoring
is considered to provide for the claimed
features, see col. 8 lines 61-65. Also,
see col. 11 lines 52-54.

See specifically lines 62-65, which
specifies that corrective action is taken if
possible. It is further specified that a
remote action may be required, col. 1 lines
62-67.

See col. 9 lines 37-43, which indicates that
the system is dynamic and works with
queued events (i.e. without terminating).

See figures 1 and 4.

See col. 8 lines 61-65, which conveys
status changes (i.e. only changes).
See also, col. 7 lines 43-45, which
indicates that status messages may
be handled (which includes receiving)
Locally or remotely.

31), see the rejections of claims 1-2 and 5 above.

As per claims 21 and 32, see the rejection of claim 5 above, specifically when the Problems cannot be handled locally (critical).

The features of claims 22-23 are taught via col. 6 lines 51-60.

In reference to claims 25-26, see col. 7 lines 35-52.

As per claim 27, see again in claim 5 the events that cannot be handled locally
And also see that the event may be critical, col. 8 lines 46-47.

The features of claim 28 are taught by the routing features of col. 9 lines 62-67.

Claims 33-39 are taught via claims 22-28, respectively.

The features of claims 40-41 are taught via claim 5 above.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Chavis whose telephone number is (703) 305-9665. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Jqc
August 31, 2004



JOHN CHAVIS
PATENT EXAMINER
ART UNIT 2124